

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.
04-30066-MAP

SUSAN O'CONNELL,)
Plaintiff,)
)
v.)
)
METROPOLITAN LIFE INSURANCE)
COMPANY,)
Defendant.)

JOINT STATEMENT

Pursuant to the Court's July 8, 2004 Notice of Scheduling Conference, the parties submit the following joint statement.

I. Joint Discovery Plan

The parties agree to conform to the obligation to limit discovery pursuant to Fed. R. Civ. P. 26(b). The parties propose that all discovery be completed by January 31, 2005. It is the parties' position that automatic disclosures are not required in this case, because this case is in the nature of "an action for review on an administrative record," which is exempt from initial disclosure requirements. See Fed. R. Civ. P. 26(a)(1)(E)(i). Metropolitan Life Insurance Company will produce a copy of its claim file and the applicable plan document.

II. Proposed Motion Schedule

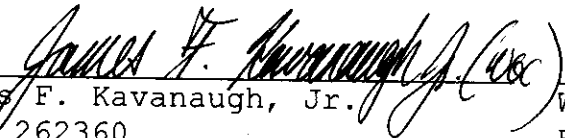
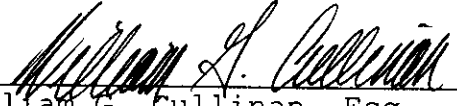
The parties propose to file cross motions for summary judgment. Defendant will file its motion on or before March 15, 2005. Plaintiff will file her motion on or before April 15, 2005. The defendant may file a reply brief on or before May 5, 2005. The parties further propose that they not be required to file separate oppositions to each other's summary judgment motions.

III. Certifications

The required certifications are attached hereto or have been filed under separate cover.

METROPOLITAN LIFE INSURANCE
COMPANY
By its attorneys,

SUSAN O'CONNELL,
By her attorney,

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Dated: 8-17-04

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